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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,706	01/24/2002	Dana Scranton	260/261 P01-0001	2073
34055	7590	06/25/2004	EXAMINER	
PERKINS COIE LLP			SPISICH, MARK	
POST OFFICE BOX 1208			ART UNIT	PAPER NUMBER
SEATTLE, WA 98111-1208			1744	

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Office Action Summary	Application No.	Applicant(s)	
	10/056,706	SCRANTON ET AL.	
	Examiner	Art Unit	
	Mark Spisich	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-8, 10, 12, 14-16, 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-8, 10, 12, 14-16, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The replacement drawing sheets (for figs 2 and 6) were received on 17 May 2004. These drawings are approved.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4-8,10,12,14-16,18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinbara et al (USP 5,485,644) in view of Curtis et al (USP 6,318,385). The patent to Shinbara discloses first (2) and second (3) brush stations (claim 7) each having brushes for contacting the workpiece and a liquid supply as well as a rinser/dryer (4) and a robot (7) for transporting the workpiece between the various stations of the system. The patent to Shinbara discloses the invention substantially as claimed with the exception of the structure of the rinser/dryer. The patent to Curtis discloses a wafer rinser/dryer including a "capsule assembly" comprising an first chamber member (210) and a second chamber member (205) which are adapted to hold and spin a workpiece (55) and which include at least one inlet (220 or 230) and at least one outlet (295/296; see column 6, lines 46-50). The second chamber (205) including a plurality of spacer members (255) in the shape of cones (see column 6, lines 36-38) (and thus read on the recited "pins" of claim 8). It would have been obvious to

one of ordinary skill to have substituted any known wafer rinser/dryer into the system of Shinbara as Shinbara teaches the basic combination and the patent to discloses a functionally equivalent rinser/dryer in the same environment (for cleaning and drying wafers). The patent to Curtis discloses a fluid supply system which supplies both rinsing fluid and drying fluid (abstract, lines 9-12) as in claim 4. The "capsule assembly" further rotates about a vertical axis (claim 5) and the first rotor (note that with regard to claim 18 the rotor (205) can be termed the first rotor) (claim 6). The chamber members move together linearly together and apart (claim 9). The processing chamber generally conforms to the wafer (claim 12). The first chamber member (as identified with respect to claim 8) (210) includes a plurality of spacing member (250) (claim 14) an which are further adjacent the outlet(s) (295,296) (claim 15). One of the chamber member further includes an annular sidewall (235) (claim 16). Column 5 (lines 8-31) talks about the outlets (100) possibly sealed to present. This would seem to suggest that the two members are effectively sealed in the areas other than the outlets (clam 19) or that the provision of a distinct seal member somewhere between them would be obvious to one of ordinary skill.

Response to Arguments

4. Applicant's arguments filed 17 May 2004 have been fully considered but they are not persuasive. Applicant did not argue that the prior art as combined did not have an element(s) recited in at least claims 8 and 18, but instead argued that the two patents (USP 6,318,385 and USP 5,485,644) applied against the claims are not properly combined. The patent to Shinbara is cited for its teaching of the "system" of a brush

station(s) and a subsequent rinse/dryer station with a robot for conveying the substrate therebetween. The mere lack of Shinbara of reciting that the rinser/dryer (4) is not of the type claimed in not a teaching away from such. The patent to Curtis the elements of the claimed rinser/dryer for the purpose or rinsing and drying a substrate of the type acted on by Shinbara. One of ordinary skill would readily appreciate that any wafer rinser/dryer known in the art could be interchange with the one of Shinbara. The basic combination need not be in both references, as long as there is sufficient motivation to combine in one of the references. In short, applicant is arguing the references individually. Applicant mentions that the seal of claim 19 recites the seal described in paragraph 0041. Although the seal may be a reference to the element described in this paragraph, the claim does not recite this element with any specificity.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 1744

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (6-3:30), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Spisich
Primary Examiner
Art Unit 1744

MS